

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

AFZA ANJUM, JANET TERRANA,
VERONICA MONAHAN and CAMILLE
FOREST, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

J.C. PENNEY COMPANY, INC., J.C. PENNEY
CORPORATION, INC.,

Defendants.

Civil Action No. 13-CV-00460 (RJD) (RER)

**STIPULATION AND ORDER OF
PARTIAL DISMISSAL WITH PREJUDICE
ONLY AS TO THE “AUTOMATIC
ROUNDING” CLAIMS MADE BY
PLAINTIFFS**

VIA ECF

WHEREAS, Plaintiffs have alleged that Defendants J.C. Penney Company, Inc. and J.C. Penney Corporation, Inc. (collectively “JCP”) violated the Fair Labor Standards Act (“FLSA”) and New York law by, among other things, “configuring the time clocks in JCP’s stores to round down and artificially reduce the amount of time employees perform work at the Defendants’ stores and thereby deprive employees of wages and overtime compensation to which they are entitled by law” (the “automatic rounding claims”). See, e.g., Second Amended Compl. ¶¶ 2(a), 25; and

WHEREAS, JCP has alleged as an affirmative defense that the claims raised by certain of the Plaintiffs (including certain “opt-ins”) are subject to arbitration pursuant to the J.C. Penney Rules of Employment Arbitration (“Arbitration Rules”); and

WHEREAS, the Plaintiffs and JCP, after a pre-motion conference, informed the Court that Plaintiffs, on an individual basis, would withdraw with prejudice their automatic rounding claims and JCP would not file a motion for partial summary judgment on the Plaintiffs’ automatic rounding claims and would not seek to compel arbitration as to Plaintiffs and Opt-ins as to those claims currently pled.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties that Plaintiffs (including any and all “opt-ins”) on an individual basis hereby

